

Town of Cecilton Agricultural Tourism

Model Zoning Ordinance Provisions

Introduction

The intent of this publication is to highlight the importance of agricultural tourism businesses to the communities in which they reside, and to help create an atmosphere in which they can thrive. Agricultural tourism operations are very diverse in nature and each has its own unique identity. The goal is to develop some uniformity in zoning across towns while keeping local control of zoning issues intact and preserving the local flavor and agricultural heritage of rural communities.

Agricultural tourism can easily be incorporated into local zoning ordinances by adding some or all of the following recommended language within an existing zoning code. These provisions are meant to be guidelines for local zoning officials to pick and choose as needed in each respective community, with an effort toward establishing some consistency in zoning regulations among local governments across the state.

In general, definitions related to agricultural tourism would be added to the general definitions sections of the zoning code. Uses permitted by right would be added to the use by right section of the community agricultural zoning district. This district will often times be called "Agricultural District" or in some cases "Rural Residential". Special uses can be added to the special use or conditional use section of the agricultural district. Parking regulations and sign regulations associated with agricultural tourism operations may be placed in the parking requirements and signage requirements section of the zoning code. The recommended language that follows is meant to be broad and all encompassing of possible agricultural tourism uses.

The type and number of uses listed in a particular community's use by right and use by special use permit section will vary depending on the size of the community, the type of agriculture present in the community and the degree to which the community wishes to encourage agricultural tourism.

Intent, Goals and Purpose

The intent of these zoning provisions is:

☐ To promote and maintain local farming. The activities that are described have become necessary for the sustainability of farms.

The goals of these provisions are:

- ☐ To maintain and promote agriculture and its related activities, such as agricultural tourism.
- ☐ To preserve open space and farmland
- ☐ To maintain both an agricultural heritage and a rural character.
- ☐ To increase community benefits by having fresh, local produce for sale and working classrooms for school children's and urban residents' education
- ☐ To increase positive growing businesses that contribute to the general economic conditions and cycle of the area and State.

The purposes of these provisions are:

- ☐ To provide standard definitions related to agricultural tourism operations.
- ☐ To provide a list of permitted activities under an agricultural tourism operation.
- ☐ To provide a list of activities that needs a special permit to guide and regulate agricultural tourism businesses on agriculturally zoned land.
- ☐ To provide for a clear understanding of the expectations for agricultural tourism businesses for operators, local residents, other businesses and local officials.

Recommended Definitions

(a) "*Agricultural Tourism*", "*ag-tourism*" and/or "*agri-tourism*" means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

(b) "*Value-added agricultural product*," means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

(c) "*Agricultural products*" includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

(d) "*Agriculturally related products*" means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Maryland and value-added agricultural products and production on site.

(e) "*Non-agriculturally related products*" means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

(f) "*Agriculturally related uses*" means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

(g) "*Non-agriculturally related uses*" means activities that are part of an agri tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to a special use permit.

(h) "*Farm Market/On-farm market/roadside stand*" means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

(i) "*Seasonal*" means a recurrent period characterized by certain occurrences, festivities, or crops; *harvest, when crops are ready*; not all year round.

(j) "*Seasonal sign*" means a sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

Uses Permitted By Right

- 1.** General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure.
- 2.** Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 years.
- 3.** Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 years.
- 4.** Direct marketing of produce in a farm market, on-farm market or roadside stand no greater than "X" square feet in building area.
- 5.** Seasonal U-pick fruits and vegetables operations.
- 6.** Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
- 7.** Food sales/processing, processing any fruits/produce.
- 8.** Uses 3 through 7 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
 - a.** Value-added agricultural products or activities such as education tours or processing facilities, etc.
 - b.** Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
 - c.** Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 - d.** Petting farms, animal display, and pony rides.
 - e.** Wagon, sleigh and hayrides.
 - f.** Nature trails.
 - g.** Open air or covered picnic area with restrooms.
 - h.** Educational classes, lectures, seminars.
 - i.** Historical agricultural exhibits.
 - j.** Kitchen facilities, processing/cooking items for sale.
 - k.** Gift shops for the sale of agricultural products and agriculturally related products.
 - l.** Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

Uses Permitted By Special Use Permit

1. Bed and Breakfast.
2. Direct marketing of produce, farm market, on-farm market or roadside stand if the sales area is greater than "X" square feet in building area.
3. Restaurant operations related to the agricultural use on the site.
4. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses may require a special use permit.
 - a. Small-scale entertainment (e.g., music concert, car show, art fair).
 - b. Family oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides.
 - c. Organized meeting space for use by weddings, birthday parties, and corporate picnics.
 - d. Designated, permanent parking for more than 20 vehicles.

Parking

Agricultural Tourism and Seasonal Agricultural Uses

1. For agricultural tourism and seasonal agriculturally related uses one space for each "X" square feet of retail area and one space for every "X" square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc.
2. For uses permitted by right under the agricultural district, parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
3. For uses permitted by special use permit parking may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.
4. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
5. Unpaved parking areas shall not be located in required side and rear parking setback areas. Paved parking areas must meet all design, landscape screening and setback requirements set forth in this zoning ordinance.

Signs

Agricultural Tourism and Seasonal Agricultural Uses

Seasonal signs may be erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.